

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION**

KILLER JOE NEVADA, LLC.

Plaintiff,

V.

Case No.: 3:13-cv-00060

DOES 1-39.

Defendants.

**DECLARATION OF DARREN M. GRIFFIN IN SUPPORT OF
PLAINTIFF'S MOTION FOR LEAVE TO TAKE DISCOVERY
PRIOR TO RULE 26(f) CONFERENCE**

1. I, Darren M. Griffin, make this declaration based on my personal knowledge. If called upon to do so, I will testify that the facts stated herein are true and correct.
2. I have been retained by Crystal Bay Corporation (“CBC”), a corporation of South Dakota, as a software consultant in its technical department. CBC provides forensic investigation services to copyright owners.
3. The forensic software used by CBC routinely collects, identifies and records the Internet Protocol (“IP”) addresses in use by those individuals who employ the BitTorrent protocol to share, copy, reproduce and distribute copyrighted works.
4. An IP address is a unique numerical identifier that is automatically assigned to an internet subscriber by the subscriber’s Internet Service Provider (“ISP”). Using logs kept in the ordinary course of business, ISPs maintain records of the IP addresses assigned to their subscribers. Once provided with an IP address, plus the date and time of the detected and documented infringing activity, ISPs can use their subscriber logs to identify the name, address, email address, phone number and Media Access Control number of a user/subscriber.

5. Only the ISP that has assigned a particular IP address for use by a subscriber can correlate that IP address to a specific subscriber. From time to time, a subscriber of internet services may be assigned different IP addresses by their ISP. Thus, to correlate a subscriber to an IP address, the ISP also needs to know when the IP address was used. Unfortunately, many ISPs only retain the information necessary to correlate an IP address to a particular subscriber for a very limited period of time.

6. Plaintiff retained CBC to identify the IP addresses of those BitTorrent users who were copying and distributing Plaintiff's copyrighted movie as identified in Exhibit A (the "Work"). CBC directed me to review, analyze and attest to the results of the investigation.

7. During the performance of my duties as detailed below, I used forensic software provided by CBC to scan peer-to-peer networks for the presence of infringing transactions.

8. After reviewing the evidence logs, I isolated the transactions and the IP addresses of the users responsible for copying and distributing the Work.

9. Through each of the transactions, the computers using the IP addresses identified in Exhibit A transmitted a copy or a part of a copy of a digital media file identified by the hash value set forth in Exhibit A. The IP addresses, hash values, dates and times contained in Exhibit A correctly reflect what is contained in the evidence logs. The subscribers using the IP addresses set forth in Exhibit A were all part of a "swarm" of users who were reproducing, distributing, displaying or performing the copyrighted work identified in Exhibit A.

10. Moreover, the users were sharing the identical copy of the Work. A digital copy of an audiovisual work can be uniquely identified by a unique, coded, string of characters called a "hash checksum." The hash checksum is a string of alphanumeric characters generated by a mathematical algorithm known as U.S. Secure Hash Algorithm 1 or "SHA-1", which was

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developed by the National Security Agency and published as a U.S. government standard. Using the hash tag identified in Exhibit A, I confirmed that the users identified as Doe Defendants in Exhibit B to the complaint reproduced and distributed the same copy of the Work.

11. The CBC software analyzed each BitTorrent “piece” distributed by each IP address listed in Exhibit A and verified that reassembling the pieces using a specialized BitTorrent client results in a fully playable digital motion picture.

12. The software uses a geolocation functionality to confirm that all IP addresses of the users set forth in Exhibit A were located in Iowa and, based on information and belief, those users were specifically located in the Southern District of Iowa. Although an IP address alone does not reveal the name or contact information of the subscriber, it does reveal the location of the Internet line used for the transaction. IP addresses are distributed to ISPs by public, nonprofit organizations called Regional Internet Registries. These Registries assign blocks of IP addresses to ISPs by geographic region. In the United States, these blocks are assigned and tracked by the American Registry of Internet Numbers. Master tables correlating the IP addresses with local regions are maintained by these organizations in a publicly available and searchable format. The geographic location of an IP address can be further narrowed by cross-referencing this information with secondary sources such as data contributed to commercial databases by ISPs.

13. As set forth in Exhibit A, I have confirmed not only that the users distributed the files in Iowa, but also the specific location (city/town) where the distribution took place.

14. The targeted dates of the swarm in this matter cover a four-month period from early January 2013 to mid-April 2013.

15. Torrent swarms can survive over extended periods of time (months or years) and provide users with exactly the same file comprising exactly the same pieces. The term “piece” is a term of art identifying a portion of a particular file. Based on information and belief, torrent

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swarms for popular files have been known to be available for over 6 years. The initial seeder (of a parent file) uploads the content and then promotes the torrent file through online forums or websites. Users then have access to the torrent file over the same forums or websites and can join a link to the torrent swarm. Users receive the pieces of the initial seeder and provide those pieces to other users. The transfer occurs piece-by-piece so that the initial pieces from the seeder get passed from one user to the next user.

16. There is no requirement to join an active swarm at a specific date and time. However, a torrent swarm might become smaller after months or years which slows down the process of file sharing activity but still renders the file fully available. A primary factor determining the size of a swarm is the popularity of the product that the file contains (movie, audio, TV series, etc.). For example, a recently released movie can lose popularity within weeks or months, whereas a famous album of a rock band might continue to be popular for several years.

17. In terms of a common nexus of transactions and occurrences, the actions of an individual who downloaded a movie in early January 2013 are connected to the actions of an individual who downloaded the same movie (the same file) as part of the same swarm during early April 2013 in at least the following ways:

a. A file with a particular hash value downloaded by an individual over that time period can ultimately be traced to a single parent file (i.e., the actions relate back to the same initial seed of the swarm);

b. The swarm expands over that time period to include additional individuals based on uploading and downloading of pieces of the same file with the same hash value (i.e., the infringement by each individual further advances the series of infringements that began with the initial seed and continued through the actions of other infringers such that all individuals act under the same system); and

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c. An individual operating a computer with BitTorrent software left "on" over that time period remains a participant of a swarm with respect to any file marked for participation in that swarm (i.e., each individual shares pieces that originated from the same (identical) file, and opens their computer to allow others to connect and receive those pieces).

FURTHER DECLARANT SAYETH NOT.

DECLARATION

PURSUANT TO 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18th day of June 2013.

By: 
Darren M. Griffin

No	IP Address	GUID	P2PClient	HitDateUTC (MM/DD/YY)	DossierNumber	Title	RightsOwner	FileName	FileHash	ISP	Region	city	District	Province
1	71.38.189.197	2D5554333233302D21701E6277994F65FBA9A129	μTorrent 3.2.3	04/10/2013 11:52:10 PM	S0054-000004022	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	CenturyLink	Iowa	Iowa City	Iowa Southern	Johnson	
2	69.5.154.12	2D554D313832302D5B7191828475C475DC69F637	μTorrent Mac 1.8.2	04/06/2013 06:38:18 AM	S0054-000004028	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	ICS Advanced Technologies	Iowa	Ames	Iowa Southern	Story	
3	174.71.12.132	2D5554333233302D2170B07EED6813D649546F57	μTorrent 3.2.3	04/05/2013 01:46:20 AM	S0054-000004036	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Cox Communications	Iowa	Council Bluffs	Iowa Southern	Pottawattamie	
4	38.108.140.197	2D7142333035302D61317E653464767761727844	qBittorrent 3.0.5	03/31/2013 10:48:35 PM	S0054-000004042	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Cogent Communications	Iowa	West Des Moines	Iowa Southern	Polk	
5	50.83.88.249	2D555433330302D9F7233873601032A561B4ADA	μTorrent 3.3.0	03/29/2013 12:43:56 PM	S0054-000004046	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Cable	Iowa	Ottumwa	Iowa Southern	Wapello	
6	174.71.6.175	2D555433233302D2170D5BF812AD3EDC409C2A8	μTorrent 3.2.3	03/14/2013 01:22:05 AM	S0054-000004056	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Cox Communications	Iowa	Council Bluffs	Iowa Southern	Pottawattamie	
7	173.24.156.135	2D415A343831322D584B4979643242514A446F50	Vuze 4.8.1.2	03/11/2013 07:46:50 AM	S0054-000004066	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corp	Iowa	Glenwood	Iowa Southern	Mills	
8	173.28.214.225	2D555433233302D21708B51A75B3CDE6671C1EF	μTorrent 3.2.3	03/07/2013 01:22:21 AM	S0054-000004078	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corp	Iowa	Iowa City	Iowa Southern	Johnson	
9	63.153.238.36	2D415A343530342D3567484B503969775A4D4668	Vuze 4.5.0.4	02/23/2013 12:12:01 PM	S0054-000004092	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Des Moines	Iowa Southern	Polk	
10	173.30.19.232	2D555433233302D2170C0842CA1555189648F0E	μTorrent 3.2.3	02/21/2013 11:14:10 PM	S0054-000004094	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corp	Iowa	Ames	Iowa Southern	Story	
11	63.153.255.181	2D415A343530342D584C71377342554564783630	Vuze 4.5.0.4	02/19/2013 03:41:45 PM	S0054-000004100	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Urbandale	Iowa Southern	Polk	
12	68.110.25.223	2D415A343530342D4B6F634855486D5977516F43	Vuze 4.5.0.4	02/18/2013 10:43:40 PM	S0054-000004104	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Cox Communications	Iowa	Council Bluffs	Iowa Southern	Pottawattamie	
13	174.71.22.96	2D555433233302D21701B7210D7A5B8D1E8531E	μTorrent 3.2.3	02/17/2013 12:50:45 AM	S0054-000004116	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Cox Communications	Iowa	Council Bluffs	Iowa Southern	Pottawattamie	
14	173.19.34.168	4D372D332D352D2DEC6B8D80998BA5FE12AA28D05B	BitTorrent 7.3.5	02/13/2013 11:38:46 PM	S0054-000004124	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corp	Iowa	Iowa City	Iowa Southern	Johnson	
15	173.31.150.255	2D555433330302D9A7198241CA5A911528B7131	μTorrent 3.3.0	02/13/2013 06:14:07 AM	S0054-000004126	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corp	Iowa	Grinnell	Iowa Southern	Poweshiek	
16	173.20.39.169	544958303139332D643061316A38663364316330	BitTornado 18.33.0	02/06/2013 04:04:53 AM	S0054-000004142	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corp	Iowa	Keokuk	Iowa Southern	Lee	
17	173.21.100.118	2D555433233302D2170FF70ACDAA174770622B3	μTorrent 3.2.3	02/02/2013 11:36:18 PM	S0054-000004150	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corp	Iowa	Mount Pleasant	Iowa Southern	Henry	
18	70.58.212.156	2D555433233302D2170B9CC4169DE6647FD3A2	μTorrent 3.2.3	01/30/2013 03:33:15 AM	S0054-000004162	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Davenport	Iowa Southern	Scott	
19	75.170.179.29	2D415A343831322D3067306275673873596A4253	Vuze 4.8.1.2	01/30/2013 12:33:23 AM	S0054-000004164	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Urbandale	Iowa Southern	Polk	
20	68.227.161.50	2D4C54304630302D52476D2973326128624C7130	libtorrent (Rasterbar) 0.1	01/29/2013 10:16:35 AM	S0054-000004168	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Cox Communications	Iowa	Council Bluffs	Iowa Southern	Pottawattamie	
21	50.83.16.181	2D555433231302D8B66D36A55F58E7FB1A814C75	μTorrent 3.2.1	01/23/2013 12:22:15 AM	S0054-000004184	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corp	Iowa	Centerville	Iowa Southern	Appanoose	
22	71.221.225.245	2D415A343831322D32584F383862513873675A49	Vuze 4.8.1.2	01/22/2013 07:31:38 PM	S0054-000004188	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Bettendorf	Iowa Southern	Scott	
23	71.217.233.15	2D415A343831322D684357766E41656F73696862	Vuze 4.8.1.2	01/22/2013 06:23:19 PM	S0054-000004192	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Davenport	Iowa Southern	Scott	
24	71.221.225.168	2D415A343831322D5132646739597A44557A564B	Vuze 4.8.1.2	01/22/2013 07:26:20 AM	S0054-000004196	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Bettendorf	Iowa Southern	Scott	
25	67.7.13.103	2D415A343831322D78567A3555726E5776306452	Vuze 4.8.1.2	01/21/2013 11:38:40 PM	S0054-000004198	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Davenport	Iowa Southern	Scott	
26	71.221.224.200	2D415A343831322D4D5A323043637245536F5257	Vuze 4.8.1.2	01/21/2013 07:18:52 PM	S0054-000004200	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Davenport	Iowa Southern	Scott	
27	98.188.136.76	4D372D372D302D2D536D39FBA3BE74D4700A4CF4	BitTorrent 7.7.0	01/21/2013 05:33:18 AM	S0054-000004204	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Cox Communications	Iowa	Council Bluffs	Iowa Southern	Pottawattamie	
28	173.29.176.50	4D372D322D302D2D736046DD3E4A668EE233B1B	BitTorrent 7.2.0	01/21/2013 05:21:12 AM	S0054-000004206	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corp	Iowa	Marshalltown	Iowa Southern	Marshall	
29	75.162.63.79	2D415A343630322D4B51556B8A62485569335136	Vuze 4.6.0.2	01/21/2013 01:43:55 AM	S0054-000004208	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	West Des Moines	Iowa Southern	Polk	
30	174.71.7.233	2D555433233302D2170AD95D2535691EFC686BA	μTorrent 3.2.3	01/19/2013 10:23:08 PM	S0054-000004214	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Cox Communications	Iowa	Council Bluffs	Iowa Southern	Pottawattamie	
31	71.221.224.172	2D5554333130302D1A688FFC2C3EE5B9EE8B90E2	μTorrent 3.1.0	01/19/2013 02:52:41 AM	S0054-000004220	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Davenport	Iowa Southern	Scott	
32	66.172.225.155	2D4243303133312DF178BE90988B4B7D57944A860	BitComet 1.31	01/18/2013 05:37:15 PM	S0054-000004224	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Long Lines Internet	Iowa	Logan	Iowa Southern	Harrison	
33	71.38.184.60	2D5554313830302DEE2D69AC144381AAEB880279	μTorrent 1.8.0	01/18/2013 11:22:40 AM	S0054-000004226	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Iowa City	Iowa Southern	Johnson	
34	173.28.196.69	2D554D313635302DE86BBF7A207F45E69C1B47B1	μTorrent Mac 1.6.5	01/17/2013 12:46:32 AM	S0054-000004232	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corp	Iowa	Iowa City	Iowa Southern	Johnson	
35	75.239.238.126	2D415A343730322D54693430726D4D4148753362	Vuze 4.7.0.2	01/15/2013 03:30:36 AM	S0054-000004240	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Verizon Wireless	Iowa	Ames	Iowa Southern	Story	
36	97.125.168.140	2D555433233302D2170F4DE583290BCF6AA1045	μTorrent 3.2.3	01/15/2013 03:17:07 AM	S0054-000004242	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Des Moines	Iowa Southern	Polk	
37	97.64.165.253	2D555433233302D2170CA718F9C5C47EE70CD18	μTorrent 3.2.3	01/13/2013 07:11:48 PM	S0054-000004256	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corporat	Iowa	Ottumwa	Iowa Southern	Wapello	
38	63.153.239.96	2D415A343831322D69554F466863344734396141	Vuze 4.8.1.2	01/13/2013 03:31:30 AM	S0054-000004266	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Century Link	Iowa	Des Moines	Iowa Southern	Polk	
39	74.84.108.142	2D555433233302D2170925D84A5DEC03E7D65A0	μTorrent 3.2.3	01/13/2013 02:13:32 AM	S0054-000004268	Killer Joe	VOLTAGE	Killer Joe[2011]B SHA1: ABAAE623F405BB14DC7B964885D4C98AF011EA26	Mediacom Communications Corporat	Iowa	West Des Moines	Iowa Southern	Polk	